



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EGGENWEILER et al.

Examiner: HUI, San Ming R.

Serial No.: 10/750,878

Group Art Unit: 1617

Filed: 1/5/04

Title: IMIDAZOLE DERIVATIVES AS PHOSPHODIESTRASE VII INHIBITORS

REPLY

Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The only issues outstanding in the Office Action mailed January 10, 2006, are the requirement for restriction and the rejections under 35 U.S.C. 112. Reconsideration of these issues, in view of the following discussion, is again respectfully requested.

Requirement for a Restriction

Applicants traversal of the election requirement, for the reasons set forth at page 8 of their prior response, is maintained. It is again respectfully submitted that, since no prior art has been cited, the MPEP § 803.02 *requires* that the search be continued beyond the elected species. While the present Office Action notes the "timely traversal" of the restriction requirement, the Office Action does not respond to the traversal. It is again maintained that the restriction *must* be withdrawn to the extent that additional species are examined as set forth in the procedure for Markush-type claims in the MPEP.